THE HON'BLE SRI JUSTICE B.PRAKASH RAO

WRIT PETITION NO.375 OF 2003

DATED : 20.09.2005

Between:

P.Jhansi D/o P.Venugopal Naidu

Aged about 28 years R/o Tirupathi

…Petitioner

A n d

Tirumala Tiruapthi Devasthanam rep. by its Executive

Officer, Tirupathi & others

….Respondents.

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ORDER:

The petitioner herein, by way of Writ of *Mandamus,* seeks a declaration that the action of the second respondent in selecting the third respondent as Assistant Public Relations Officer ("APRO") through proceedings dated 18.11.2002 as illegal,

unconstitutional and also for a consequential direction to the respondents 1 and 2 to appoint the petitioner as Assistant Public Relations Officer.

The case of the petitioner, as briefly stated, is that she is a Post Graduate in Mass Communication and Journalism and worked as a Public Relations Officer with a public limited company for three years. The first respondent notified for the post of A.P.R.O in the newspaper dated 27.7.2001 and called for applications from the eligible persons. As per the required qualifications, one should possess Masters Degree in any discipline, Degree or Diploma in Public Relations or Journalism and three years experience in the field of Public Relations. The upper age of the candidate shall not be above 35 years. However, there was relaxation of five years in respect of candidates belonging to SC/ST/BC. It was further mentioned that only Hindus can apply for the post. Therefore the petitioner claims that she is fully eligible and accordingly, she submitted an application along with all the necessary particulars and documents. In pursuance of the applications received, written examination was conducted on 15.2.2002 for 90 marks. She states that she fared well and accordingly, along with her two other candidates by name V.Chandrasekhar Naidu and T.Ravi, who is respondent No.3 herein were held to be successful. Thereupon, they were called for interview, which took place on the same day. The other two persons are employees of T.T.D and they appeared as internal candidates. However, since the said V.Chandrasekhar Naidu was aged 55 years, he was ineligible and in spite of the same, the second respondent issued orders on 16.2.2002 selecting him for the said post. These proceedings were challenged by the petitioner in W.P.No.3853 of 2002, which was allowed by this Court on 06.09.2002 setting aside the said appointment order. The said orders were challenged by him in W.A.No.1456/2002, but the same was dismissed by a Division Bench of this Court holding that T.T.D can not relax the upper age limit in respect of internal candidates merely by passing a resolution, which is contrary to the Rules framed by the Government. Thus the said appointment was cancelled and there was a direction to the T.T.D to finalize the selection from out of the remaining two candidates, who appeared for the interview, which includes the petitioner and the third respondent herein. However, even though the petitioner satisfied all the required eligibility criteria having three years experience in the field of Public Relations, whereas the third respondent does not possess any such experience in

the field of Public Relations since he was working only as a Telugu Translator in the Public Relations Office of the 1st respondent, the petitioner ought to have been appointed as A.P.R.O. Even otherwise, the experience, which the third respondent was having cannot be equated to that of a Public Relations Officer job and therefore, it is only the petitioner who is fully eligible for the said post. Therefore, impugned orders dated 18.11.2002 appointing the third respondent in the said post is quite contrary to the conditions as prescribed and violation of Article 16 of the Constitution of India. Hence the writ petition.

In the counter affidavit filed on behalf of the respondent Nos.1 and 2, it is stated that as per the paper notification dated 28.7.2001 applications have been invited from eligible candidates for the post of A.P.R.O and the method of recruitment and qualifications as shown was in terms of G.O.Ms.No.1060, dated 24.10.1989.

ASSISTANT PUBLIC RELATIONS OFFICER

By Direct Recruitment:

i. Must possess M.A or M.Sc., Degree in Arts or Sciences or any other qualifications equivalent thereto from recognized University of India.

ii. Must possess a Degree or Diploma in Journalizm of Public Relations

iii. Must have experience of not less than 3 years in the field of Public Relations

iv. Must not have completed 35 years of age

Further, call letters were sent to the in-service candidates and after scrutiny of the applications filed which includes the petitioner and other candidates, interviews were conducted on 15.2.20022, in respect of candidates who have passed the examination. The selection committee, which has been constituted for the selection of candidates included:

1. Joint Executive Officer, TTDs, Tirupati

2. Joint Executive Officer, TTDs, Tirumala

3. Chief Vigilance & Security Officer, TTDs, Tirupati

4. Conservator of Forests Officer, TTDs, Tiruapti

5. Public Relations Officer, TTDs, Tirupati

Thus, it is only this committee, which conducted written test and interview and ultimately, three candidates who secured highest marks in the written test were only allowed for the oral interview. The following three persons stood at 1st, 2nd and 3rd places among the candidates appeared for the interviews.

1.V.Chandrasekhara Naidu(In-service candidate)

2.Sri T.Ravi (in-service candidate)

3.Kum P.Jhansi (an outsider)

Though Sri V.Chandrasekhara Naidu stood first in the interview conducted for the above post, however, his appointment was cancelled as per orders dated 18.11.2002 and a direction was given to proceed in accordance with the ranks assigned to them in the selection and to select a suitable candidate. Therefore, having regard to the fact that the third respondent stood at 2nd , he was appointed as Assistant Public Relations Officer as per the impugned proceedings and thus there is absolutely no illegality and the selection committee after examining all aspects including educational qualifications, experience selected three candidates by giving rank on merit basis only and therefore, the said decision cannot be found fault with.

Having heard the counsel on either side and also on perusal of the material, there is no dispute to the fact that the petitioner is one of the applicants apart from other applicants including the in-service candidates, which included the two employees, who ultimately passed the written test. The entire selection process was conducted by selection committee as constituted by respondents 1 and 2 and ultimately in the interview three candidates were selected. There is no serious dispute either in regard to the selection or ranking given. The petitioner admittedly stands at the third place, whereas the third respondent stands at 2nd place. The other person who

stood at first place, though initially was appointed, his appointment was set aside by this Court, in view of disqualification as to the age. Therefore, having regard to the directions of the Division Bench of this Court to act upon the selection list made by the said committee, there is no other go for the respondents, except to give appointment to third respondent herein, who was standing at second place over and above the petitioner, who was at third place.

The entire selection process was done by the said committee in due and proper manner. Nothing has been stated to attribute anything against the said committee and this Court in its exercise of powers under Article 226 of the Constitution of India cannot go into the correctness or otherwise in respect of the selection process or the merit consideration and the rankings given. The petitioner has not made any such allegation, which would caste any doubt on the selection process made by the committee except stating that the petitioner is highly qualified than the third respondent herein. Having regard to the same, there are absolutely no valid grounds warranting interference with the impugned order. Hence, I do not find any merits in this writ petition.

The writ petition is accordingly dismissed. No costs.

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B.PRAKASH RAO, J

20.09.2005

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THE HON'BLE SRI JUSTICE B.PRAKASH RAO

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